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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/042,128	01/07/2002	Fufang Zha	USFMCR.066C3	3616

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KNOBBE MARTENS OLSON & BEAR LLP  
2040 MAIN STREET  
FOURTEENTH FLOOR  
IRVINE, CA 92614

EXAMINER

SORKIN, DAVID L

ART UNIT	PAPER NUMBER
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1723

DATE MAILED: 09/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Advisory Action</b>	<b>Application No.</b> 10/042,128	<b>Applicant(s)</b> ZHA ET AL.	
	<b>Examiner</b> David L. Sorkin	<b>Art Unit</b> 1723	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 21 August 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check either a) or b)]

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b) ☐ they raise the issue of new matter (see Note below);
  - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Detailed Action.

3. ☒ Applicant's reply has overcome the following rejection(s): see Detailed Action.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: \_\_\_\_\_.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: 1-4,6-12,19-21 and 27-32.

Claim(s) objected to: 5.

Claim(s) rejected: 13-18,22-26 and 34.

Claim(s) withdrawn from consideration: 33.

8. ☐ The proposed drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.
10. ☒ Other: Terminal disclaimer is approved

## **DETAILED ACTION**

### ***Terminal Disclaimer***

1. The terminal disclaimer filed on 21 August 2003 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of U.S. Patent No. 6,555,005 has been reviewed and is accepted. The terminal disclaimer has been recorded. Filing of this terminal disclaimer overcomes the non-statutory double-patenting rejections of claims 1-21 and 27-32. However, claims 13-18 remain rejected under section 112 and claim 5 is objected to as being a substantial duplicate of claim 3 (see the office action mailed 20 June 2003). Thusly, claims 1-4, 6-12, 19-21 and 27-32 are allowed, claim 5 is objected to, claim 33 is withdrawn from consideration and claims 13-18, 22-26 and 34 are rejected.

### ***Proposed Amendment***

2. The proposed amendment would cause a new ground for rejection used section 112, second paragraph to be introduced. The amendment makes claim 18 depend from claim 9. While claim 18 attempts to further limit "the tubes", no tubes are recited in claim 9.

3. The proposed amendment would overcome the section 112 rejections of claims 13-17 and the section 101 double-patenting rejection of claim 34.

4. However, the rejection of claims 22-26 under section 112, first paragraph as containing "new matter" would not be overcome. These claims are not proposed to be amended and the arguments accompanying the proposed amendment do not overcome the rejection. Applicant argues that claim 22 is supported by Figs. 1 and 7; however,

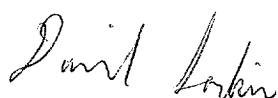
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the examiner disagrees. Firstly, in Fig. 1 the module is not connected to a source of pressured air, so it would not be within the scope of the claim. Regarding Fig. 7, the potting head is mounted in a tank of feed liquid to be filtered, immersed in the feed liquid, and has holes exposed to the feed liquid. This is the opposite of "not connected to a source of feed liquid".

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David L. Sorkin whose telephone number is 703-308-1121. The examiner can normally be reached on 8:00 -5:30 Mon.-Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda L. Walker can be reached on 703-308-0457. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.



David Sorkin



W. L. WALKER  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1700